

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

)
JOSE IZQUIERDO and JOHN DOES 1-100, on) Case No. 1:16-cv-04697-CM
behalf of themselves and others similarly situated,)
Plaintiffs,)
v.)
MONDELĒZ INTERNATIONAL, INC.,)
MONDELĒZ GLOBAL, LLC,)
and DOES 1 through 10, inclusive)
Defendants.)
)
)

)
NOTICE OF MOTION AND MOTION
TO DISMISS CLASS ACTION
COMPLAINT, OR, IN THE
ALTERNATIVE, TO STRIKE
NATIONWIDE CLASS
ALLEGATIONS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law submitted herewith, the undersigned attorneys for Defendants Mondelēz International Inc. and Mondelēz Global, LLC (collectively, “MDLZ”)¹, shall move this Court, before the Honorable Colleen McMahon, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 24A, New York, New York 10007, at a time set by the Court, for an Order dismissing the Class Action Complaint of Plaintiff Jose Izquierdo (“Plaintiff”) pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), on the ground that the Complaint fails to state a claim upon which relief can be granted, and Federal Rule of Civil Procedure 9(b), on the ground that the Complaint fails to state a claim that sounds in fraud with particularity. In the alternative, MDLZ moves to strike the nationwide class pursuant to Federal Rule of Civil Procedure 12(f).

¹ Plaintiff incorrectly names as Defendant Mondelēz International, Inc., a global holding company. Mondelēz Global LLC is the operating company for MDLZ in the United States and the company that sold, marketed, and distributed the products in issue in the United States.

Dated: August 29, 2016

Respectfully submitted,

JENNER & BLOCK LLP

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